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Date Iss

ued: July 11, 1997

Case No.: 96-MSP-33

In the Matter of:

AUSTIN J. DeCOSTER d/b/a
DeCOSTER EGG FARMS,
Respondent

Before: JOHN M. VITTON
Chief Administrative Law Judge

DECISION AND ORDER

This case arises under the Migrant and Seasonal Agricultural Workers Protection Act (MSPA), 29 U.S.C. §§ 1801, et seq., and the implementing regulations at 29 C.F.R. Part 500.

By notice dated July 11, 1996, the Wage and Hour Division of the United States Department of Labor (DOL) notified Austin J. DeCoster d/b/a Decoster Egg Farms (Respondent) of the assessment of a civil money penalty. DOL alleges that Respondent violated the wage and recordkeeping provisions of the MSPA and its regulations. A civil money penalty of \$42,800 was assessed against Respondent. Respondent filed an exception to the assessment by letter dated July 23, 1996.

On May 23, 1997, DOL and Respondent informed this Office that they have negotiated a settlement of all disputed claims. Pursuant to 29 C.F.R. § 500.232, the parties request review of Consent Findings and an order disposing of this proceeding. Respondent states that it is presently in compliance with the MSPA and its regulations and will continue in compliance. DOL has agreed to amend the civil money penalty by reducing the assessment to \$21,465. Respondent has agreed to pay the reduced civil money penalty as outlined in the Consent Findings. Without admitting any of the violations alleged by DOL, Respondent has

agreed to withdraw the exception.

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Upon review of the record, the Consent Findings are APPROVED. This agreement constitutes full and final resolution of this matter. It is ORDERED that:

- 1) this order shall have the same force and effect as an order made after full hearing;
- 2) the entire record on which this Order is based shall consist solely of the amended notice of administrative determination and this agreement;
- 3) any further procedural steps before this Office are waived; and
- 4) any right to challenge or contest the validity of this order entered into in accordance with this agreement is waived.

It is FURTHER ORDERED that this matter be DISMISSED.

JOHN M. VITTON
Chief Administrative Law Judge

Washington, DC

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